

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Scott Carlton	Team: Squad #16	CCRB Case #: 201709134	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 10/24/2017 , Wednesday, 11/01/2017 , NA, 10/___/2017 7:30 AM	Location of Incident: § 87(2)(b)	Precinct: 26	18 Mo. SOL 4/1/2019	EO SOL 4/1/2019	
Date/Time CV Reported Thu, 11/02/2017 9:03 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Thu, 11/02/2017 9:03 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. DT3 Christophe Healy	4546	946490	WARRSEC

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. DT3 Corey Gresko	1660	932745	WARRSEC
2. DT1 Francisco Pena	03923	910291	WARRSEC

Officer(s)	Allegation	Investigator Recommendation
A.DT3 Christophe Healy	Abuse: On an unknown date, Detective Christopher Healy entered § 87(2)(b) in Manhattan.	§ 87(2)(b)
B.DT3 Christophe Healy	Abuse: On an unknown date, Detective Christopher Healy searched § 87(2)(b) in Manhattan.	§ 87(2)(b)
C.DT3 Christophe Healy	Abuse: On November 1, 2017, Detective Christopher Healy threatened to notify Administration for Children's Services.	§ 87(2)(b)

Case Summary

On November 2, 2017, § 87(2)(b) made the following complaint to the CCRB via the call processing system (Board Review 01).

On an unknown weekday in October of 2017, at approximately 7:30 a.m., Detective Christopher Healy of the Warrants Section and an unidentified officer knocked on the door of § 87(2)(b) apartment at § 87(2)(b), in Manhattan and stated that they had a warrant for § 87(2)(b). Detective Healy and his partner entered the apartment (**Allegation A: Abuse of Authority, § 87(2)(g)**). Detective Healy and the unidentified officer searched the living room, bathroom, bedrooms, and bedroom closets (**Allegation B: Abuse of Authority, § 87(2)(g)**).

On November 1, 2017, at approximately 5:15 p.m., Investigating Officer Healy, Detective Corey Gresko, and Detective Francisco Peña knocked on the door of Apartment § 87(2)(b) at § 87(2)(b). Detective Healy stated he had warrants associated with the apartment address. Detective Healy told § 87(2)(b) “My next step is to involve ACS [Administration for Children’s Services], but that’s not something I would want to do” (**Allegation C: Abuse of Authority, § 87(2)(g)**).

The investigation did not obtain video footage in connection with this incident.

Findings and Recommendations

Allegation (A) Abuse of Authority: On an unknown date, Detective Christopher Healy entered § 87(2)(b), in Manhattan.

Allegation (B) Abuse of Authority: On an unknown date, Detective Christopher Healy searched § 87(2)(b), in Manhattan.

It is undisputed that Detective Healy possessed a warrant for an individual associated with § 87(2)(b), and that Detective Healy entered and searched that property on an unknown date in November of 2017.

§ 87(2)(b) stated that in November of 2017, Detective Healy and another unidentified officer knocked on her door (Board Review 02). Det. Healy told § 87(2)(b) that he sought an individual named § 87(2)(b). Detective Healy showed § 87(2)(b) a warrant that had the name “§ 87(2)(b) on it, as well as her apartment address. § 87(2)(b) did not recall what was written on the warrant and did not say what type of warrant it was. § 87(2)(b) did not know § 87(2)(b) and told Detective Healy this. Det. Healy told § 87(2)(b) that because he had a warrant, he and his partner had to enter the apartment to search the premises. § 87(2)(b) told the officers that she would allow them to do so because they had a warrant. Detective Healy walked through the living room, kitchen, bathroom, and two bedrooms, while his partner walked through § 87(2)(b) bedroom and the kitchen. In the living room, Detective Healy searched behind § 87(2)(b) sofas and lifted bags that were stored behind them in order to look under them. Detective Healy did not open anything in the kitchen. In the bathroom, he looked inside the bathtub. In the bedrooms, Detective Healy opened the closets. Detective Healy and his partner did

not find the man they were looking for and left after approximately ten minutes. § 87(2)(b) was not asked to sign any documents.

Detective Healy stated that he visited § 87(2)(b), in Manhattan on a date he could not recall in November of 2017 as part of an investigation into an I-Card and two warrants, one of which was for an individual who had committed a felony assault (Board Review 03). The warrants were either arrest or bench warrants, though Detective Healy could not remember which. The address on the warrants corresponded to the address of the apartment. Detective Healy did not recall how old the warrants were, and he did not know if the subjects of the investigation were present at the location at the time of the visit. He did not remember the name of the individual who had committed the felony assault. § 87(2)(b) explained that the subject on the I-Card, § 87(2)(b) was the father of one of her children. Detective Healy entered § 87(2)(b) apartment. He did not recall if he verbally told § 87(2)(b) that he had to search the apartment. § 87(2)(b) did not verbally object to his entrance or make statements to the effect that she was uncomfortable with his entrance and search of the apartment. Detective Healy did not recall if § 87(2)(b) invited him inside the apartment. He did not recall if his partner entered with him. Once inside, § 87(2)(b) did not make any statements to express that she wanted Detective Healy to leave the apartment. Detective Healy searched inside § 87(2)(b) bedroom and bathroom. He did not recall if he searched anywhere else in the apartment. He believed he remained in the apartment for five to ten minutes. Detective Healy did not find the subjects of his investigation.

New York State Criminal Procedure Law § 120.80 authorizes officers in the possession of a warrant for arrest to enter premises forcefully if the officer is not given authorization to enter after notifying the occupant of their authority and purpose (Board Review 04). New York State Criminal Procedure Law § 530.70 states that bench warrants are to be executed in the same manner as warrants for arrest (Board Review 05). People v. Gonzalez, 39 N.Y.2D 122 (1976) establishes that civilian consent must be a free and unconstrained choice, free of overbearing official conduct (Board Review 14).

§ 87(2)(g)

The investigation did not obtain a Warrant Compartment Incident File Report that corresponded to this incident and date. However, it is unclear if the document was not obtained because it did not exist or because there was difficulty acquiring it given that the warrant was for an unknown date and for an individual who, based upon the statements obtained, may have been named on the warrant as § 87(2)(b) § 87(2)(b) or § 87(2)(b)

Detective Healy and § 87(2)(b) both stated that Detective Healy possessed a warrant for an individual connected to the address where § 87(2)(b) lived. However, § 87(2)(b) did not know what was written on the document she believed to be a warrant or what kind of warrant it was. § 87(2)(g)

Detective Healy did not recall whether § 87(2)(b) consented to his entry verbally or in gesture. He did not state that she consented to allow him to search for a person. § 87(2)(b) stated that she permitted Detective Healy to enter the apartment because of the warrant he possessed. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation (C) Abuse of Authority: On November 1, 2017, Detective Christopher Healy threatened to notify Administration for Children's Services.

§ 87(2)(b) and Detective Healy both stated that Detective Healy told § 87(2)(b) that he might contact the Administration for Children's Services (ACS) in regard to her child.

§ 87(2)(b) states that when Detective Healy, Detective Peña and Detective Gresko came to her door on November 1, 2017, her § 87(2)(b)-old son and § 87(2)(b)-old daughter were present in the apartment (Board Review 02). Detective Healy asked § 87(2)(b) if she knew § 87(2)(b). § 87(2)(b) told him that he was the father of her daughter, but that he did not live at the residence and she was not currently on speaking terms with him. After he had spoken to § 87(2)(b) for approximately five minutes, Detective Healy said, "My next step is to involve ACS, but that's not something I would want to do." He stated that he wanted to give § 87(2)(b) an opportunity to inform § 87(2)(b) that officers were looking for him. § 87(2)(b) believed Detective Healy's comment about ACS was a threat to remove her children if she did not contact § 87(2)(b). § 87(2)(b) did not live at the residence or pose a danger to her children. There were no signs of neglect, dirtiness, or danger in her apartment. Any criminal activity activity that § 87(2)(b) may have been involved in occurred outside her apartment and not in the presence of her children. Detective Healy informed her that it was part of his protocol as an officer to contact ACS if he felt that a fugitive was at the location.

Detective Healy stated that when he went back to § 87(2)(b), on November 1, 2017, § 87(2)(b) stated that § 87(2)(b) who Detective Healy sought for felony assault was the father of one of her children (Board Review 03). § 87(2)(b) stated that she had some contact with § 87(2)(b) but did not say how often she spoke to him. However, she said she was not speaking to him at the time. Detective Healy did not recall if § 87(2)(b) stated that § 87(2)(b) had any contact with the child. Detective Healy observed children in the apartment, though he did not recall how many. Detective Healy did not make any observations that led him to believe the children were in danger. Detective Peña and Detective Gresko did not say anything to him to indicate that they observed cause for concern regarding the safety of the children. Nonetheless, Detective Healy thought that the wanted individual could present a danger to the children. Detective Healy told § 87(2)(b) that a notification might be made to ACS because of the felony assault for which one of the subjects associated with the address was wanted. Detective

Healy did not make this statement in an attempt to gain entry into § 87(2)(b) apartment. Detective Healy stated that after speaking with § 87(2)(b) further, he determined that ACS did not need to be notified.

Detective Healey was re-interviewed at the CCRB, at which time he stated that the child in the apartment about which he was concerned appeared to be a § 87(2)(b) or § 87(2)(b)-old male (Board Review 08). Detective Healy believed he was the son of § 87(2)(b).” Detective Healy decided that the child was not in danger because he determined that § 87(2)(b) was a capable caregiver given that, when he spoke to her, she was polite and cooperative. She did not raise her voice or dismiss Detective Healy’s statements.

I-Card #§ 87(2)(b) indicates probable cause to arrest § 87(2)(b) who allegedly committed a second degree assault which resulted in serious injury (Board Review 09). The I-Card was created on September 23, 2017. The address of § 87(2)(b), is noted on the I-Card as the home of § 87(2)(b) with whom § 87(2)(b) shares a child.

The DD5 which Detective Healy created in regard to the interaction on November, 1, 2017 states that § 87(2)(b) the subject’s girlfriend, said that the subject sometimes stays at § 87(2)(b), but does not reside there (Board Review 09). The DD5 does not make reference to § 87(2)(b) children.

Patrol Guide Procedure 215-03 states that a child must be taken into protective custody without permission if there is reasonable cause to believe that the child is in imminent danger to their health or life in their home, and that ACS may be enlisted to assist in the removal of the child (Board Review 10).

§ 87(2)(b) and Detective Healy both stated that Detective Healy said he might contact ACS. Detective Healy’s sole reason for stating this was that he believed a child might be in danger given that he possessed an I-Card, and possibly a warrant, for the child’s father, § 87(2)(b) who had allegedly committed a felony assault unrelated to the child. § 87(2)(b) did not live at the home, and § 87(2)(b) informed Detective Healy that she was not speaking to § 87(2)(b)

§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)

§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)

§ 87(2)(g)
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Civilian and Officer CCRB Histories

- This is § 87(2)(b) first complaint with the CCRB (Board Review 11).
- Detective Healy has been a member of the NYPD for 10 years and has had 7 allegations against him over three cases, none of which have been substantiated. § 87(2)(g)
[REDACTED]
 - In CCRB 201706078, Detective Healy allegedly improperly entered and searched a premise. This case is currently under investigation.

Mediation, Civil and Criminal Histories

- § 87(2)(b) was offered and declined to pursue mediation in-person on November 20, 2017 § 87(2)(b)
[REDACTED]
[REDACTED]
- A Notice of Claim inquiry was sent to the Comptroller's Office of the City of New York on April 8, 2018. The results will be added to the case file upon receipt (Board Review 12).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[REDACTED]
[REDACTED]
[REDACTED]

Squad No.: 16

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date